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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,053	05/11/2006	Zvi Barak	CB3-2559-US	1390

35650 7590 06/07/2011

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EXAMINER	
ZENATI, AMAL S	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
06/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,053	BARAK, ZVI	
	Examiner	Art Unit	
	AMAL ZENATI	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 March 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 7 and 10** are rejected under 35 U.S.C 102 (e) as being anticipated by **Spencer (Pub. No.: US 2002/0184624 A1; hereinafter Spencer)**

Consider **claim 7, Spencer** clearly shows and discloses a method for communicating with a plurality of participants, said method comprising the step of: a directing party independently controlling the simultaneous communication with the plurality of participants in real-time (abstract, paragraphs: 0017-0020, 0024, and 0043).

Consider **claim 10, Spencer** clearly show the method, wherein said simultaneous communication comprises any of a group of services including polling consumer surveys, sending messages, sending alerts and conducting interviews (paragraphs: 0017-0020, 0024, and 0043-0044).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Consider **Claims 1 - 6,** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gilbert (US Patent No.: 7,580,374 B1; hereinafter Gilbert)** in view of **Johnson et al (US Patent No.: 6,072,780 B1; hereinafter Johnson)**

Consider **claim 1, Gilbert** clearly shows and discloses a system for a directing party to simultaneously communicate with a plurality of participants comprising: a control unit directly controlled by the directing party (col. 3, lines 15-66; fig. 1and fig. 6); a first server in remote communication with said control unit; a second dialing server in communication with said first server, the second dialing server being configured to communicate with the plurality of participants in real-time (*the servers being one server or two separate servers would carry no patentable weight since it is a matter of engineering choice and it would be obvious modifications to one of ordinary skill in the art*) (col. 4, lines 1-66; col. 6, lines 1-25; and fig. 6); wherein said directing party controls the communication with the plurality of participants (col. 5, lines 35-67; and figs. 2-7); however, **Gilbert** does not specifically disclose the system, wherein dialing server being configured to simultaneously communicate with the plurality of participants (dialing all the numbers at the same time); and wherein said directing party controls the communication with the plurality of participants, independently and in real time, control the entire dialing and broadcasting process with the plurality of participants.

In the same field of endeavor, **Johnson** clearly discloses the method, wherein dialing server being configured to simultaneously communicate with the plurality of participants (col. 1, lines 16-25); and wherein said directing party controls the communication with the plurality of participants,

independently and in real time, control the entire dialing and broadcasting process with the plurality of participants (*dropping or adding parties to the conference by communication with the switching interface and telephone switcher*) (col. 1, lines 66-67; and col. 2, lines 1-21)

Johnson discloses the above for the purpose of providing user means to independently and in real time control the entire dialing and broadcasting process with the plurality of participants (col. 2, lines 1-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Johnson into teaching of Gilbert for the purpose of independently and in real time controlling the entire dialing and broadcasting process with the plurality of participants.

Consider **claim 2**, **Gilbert and Johnson** clearly show the method, wherein said control unit communicates with said first server via the Internet (Gilbert: col. 5, lines 60-67).

Consider **claim 3, Gilbert and Johnson** clearly show the method, wherein said first server and said second dialing server are combined in a single unit (Gilbert: figs. 1-2)

Consider **claim 4, Gilbert and Johnson** clearly show the method, wherein said second dialing server communicates with the plurality of participants via a Public Switched Telephone Network (PSTN) to any of a group of communication devices associated with the participants including land line telephones, personal computers, cellular telephones, facsimile machines, and cable TV (Gilbert: fig. 1; and Johnson: col. 3, lines 1-10, fig. 1).

Consider **claim 5**, **Gilbert and Johnson** clearly show the method, wherein said dialing server is configured to communicate with any combination of participants an communication devices via any of a group of communication protocols including interactive television, cable or satellite (Johnson: col. 2, lines 54-66).

Consider **claim 6, Gilbert and Johnson** clearly show the method, wherein said first server comprises a scheduler for allocating time slots available for communication via said second dialing server (Gilbert: col. 8, lines 40-60).

5. Consider **Claims 8 - 9, 16, and 23 - 26,** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Spencer (Pub. No.: US 2002/0184624 A1; hereinafter Spencer)** in view of **Bezar (Pub. No.: US 2004/0093218 A1; hereinafter Bezar)** and further in view of **Crouch (Pub. No.: US 2004/0246332 A1; hereinafter Crouch)**

Consider **claim 8, Spencer** clearly discloses the claimed invention above and the step of independently controlling comprises the steps of: initiating the simultaneous communication; but lack teaching the method, wherein analyzing the responses of the plurality of participants to said simultaneous communication.

In the same field of endeavor, **Bezar** clearly discloses shows the method the method, wherein statistically analyzing the responses, in real time, of the plurality of participants to said simultaneous communication (paragraph: 00116 and 0033 - 0035).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to analyze the responses of the plurality of participants as taught by Bezar in Spencer, in order to send the analyzing and recording participants' speech parameters to the caller (abstract).

However, **Spencer and Bezar,** does not teaches controlling the entire dialing and broadcasting process (*such as view shared documents*) between the directing party and the plurality of participants, said process comprising any of a group of actions including initiating the simultaneous communication and preparing the script.

In the same field of endeavor, **Crouch** clearly discloses shows the method the method, controlling the entire dialing and broadcasting process (*such as view shared documents and adding or removing participants*) between the directing party and the plurality of participants, said process comprising any of a group of actions including initiating the simultaneous communication and preparing the script (paragraph: 0081-0083; and fig. 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Crouch into teaching of Spencer and Bezar for the purpose of controlling the entire dialing and broadcasting process with the plurality of participants (paragraph 0083).

Consider **claim 9, Spencer and Bezar** clearly show the method, wherein said step of independently controlling comprises the step of: terminating the simultaneous communication after an analysis of the responses from a percentage of the plurality of participants (Bezar: paragraphs: 0044-0048; and 0052-0054).

Consider **claim 16, Spencer and Bezar** clearly show the method, wherein said step of initiating comprises the steps of: defining at least one time period to be associated with the communication; and defining the recurrence interval of the communication (Spencer; 0025-0032).

Consider **claim 23, Spencer and Bezar** clearly show the method, wherein said step of analyzing the responses comprises the steps of: analyzing the participants input; preparing a report; and transmitting the report in real time to the directing party (Bezar: paragraphs: 0044-0048)

Consider **claim 24, Spencer and Bezar** clearly show the method, wherein said report may comprise any of a group of reporting formats including lists, graphs and charts (Bezar: paragraphs: 0044-0054).

Consider **claim 25, Spencer and Bezar** clearly show the method, wherein said step of initiating comprises the steps of allocating a time slot for a plurality of callers to dial a dedicated number; preparing and recording a script; and playing said script to said plurality of callers (Bezar: paragraphs: 0044-0051)

Consider **claim 26, Spencer and Bezar** clearly show the method, wherein said step of initiating comprises the step of permitting the plurality of callers to transfer to a human resource for specific interactive discussions (Bezar: paragraphs: 0044-0048 and 0057).

6. Consider **Claims 11 - 15,** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Spencer (Pub. No.: US 2002/0184624 A1; hereinafter Spencer)** in view of **Bezar (Pub. No.: US 2004/0093218 A1; hereinafter Bezar)** and further in view of **Crouch (Pub. No.: US 2004/0246332 A1; hereinafter Crouch)** and further more in view of **Strauss et al (patent No.: 5,940,598; hereinafter Strauss)**

Consider **claim 11, Spencer, Bezar, and Crouch** clearly show the method, wherein said step of initiating comprises the steps of: preparing a distribution list associated with said plurality of participants; constructing a script associated with the type of communication being conducted prior to initiating the communication; and distributing the script to the filtered distribution list (*filtering said distribution list in accordance with the type of communication being conducted is inherent in Spencer and Bezar, however, Examiner use Strauss for more clarification*) (Spencer: paragraphs: 0017-0021; and Bezar: paragraphs: 0033-0035, and 0050- 0051); however, **Spencer and Bezar** does not specifically disclose filtering said distribution list in accordance with the type of communication being conducted

In the same field of endeavor, **Strauss** clearly discloses the method, filtering said distribution list in accordance with the type of communication being conducted (figs. 5A-5D).

Strauss discloses the above for the purpose of providing multimode communications via a combination of the public switched telephone network (PSTN) and public packet data network (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to filter said distribution list in accordance with the type of communication being conducted as taught by Strauss in Spencer, Bezar, and Crouch, in order to provide multimode communications via a combination of the public switched telephone network (PSTN) and public packet data network.

Consider **claim 12**, **Spencer, Bezar, and Strauss** clearly show the method, wherein said distribution list comprises any of a group of lists including telephone numbers, email addresses, account numbers and cable IDs (Bezar: paragraph 0050; and Spencer; 0017).

Consider **claim 13, Spencer, Bezar, and Strauss** clearly show and discloses the method, wherein said step of constructing a script comprises the step of defining and recording any of a group of elements including messages, questions and possible alternative answers to said questions (Bezar: paragraph 0050; and Spencer; 0017).

Consider **claim 14**, **Spencer, Bezar, and Strauss** clearly show the method, wherein said step of constructing a script comprises the step of permitting the plurality of participants to transfer to a human resource for specific interactive discussions (Bezar: paragraph 0048-0051; and Spencer; 0019-0024).

Consider **claim 15, Spencer, Bezar, and Strauss** clearly show the method, wherein said step of defining and recording comprises the step of allowing the plurality of participants to submit their responses to said questions in any of a group of communication methods including DTMF, SMS, voice and via interactive television (Bezar: paragraph 0048-0051; and 0053-0057)

7. Consider **Claims 17 - 22,** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Spencer (Pub. No.: US 2002/0184624 A1; hereinafter Spencer)** in view of **Penfield et al (Patent No.: US 6,480,591 B1; hereinafter Penfield)** and further in view of **Dorenbosch et al (Pub. No.: US 2004/0064355 A1; hereinafter Dorenbosch)**

Consider **claim 17, Spencer** clearly discloses the claimed invention above but lack teaching the method, further comprising the step of determining the availability and cost of the service to be provided.

In the same field of endeavor, **Penfield** clearly discloses shows the method the method, further comprising the step of determining cost of the service to be provided (abstract, col. 1, lines 55-66; and col. 2, lines 1-30).

Penfield discloses the above for the purpose of determining cost of the service to be provided (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determining cost of the service to be provided as taught by Penfield in Spencer, in order to determine cost of the service to be provided.

However, **Spencer and Penfield** lack teaching the method, further comprising the step of determining the availability of the service to be provided.

In the same field of endeavor, **Dorenbosch** clearly discloses shows the method the method, further comprising the step of determining availability of the service to be provided (abstract, paragraphs: 0014-0017).

Dorenbosch discloses the above for the purpose of determining availability of the service to be provided (abstract)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determining availability of the service to be provided as taught by Dorenbosch in Spencer and Penfield, in order to determine availability of the service to be provided.

Consider **claim 18, Spencer, Penfield, and Dorenbosch** clearly show the method, wherein said step of determining comprises the steps of: determining the telephony resources available; calculating the length of each call; and determining the number of telephones required for the service, based on the length of each call and the size of the distribution list (Penfield: col. 4, lines 16-45; and Dorenbosch: paragraphs: 0014-0019).

Consider **claim 19, Spencer, Penfield, and Dorenbosch** clearly shows the method, wherein said step of determining comprises the step of: the directing party allocating a level of priority to the communication (Dorenbosch: paragraphs: 0016-0017).

Consider **claim 20, Spencer, Penfield, and Dorenbosch** clearly show the method, wherein said step of determining further comprising the steps of the system denying the service due to shortage of resources available at the time period requested; and the directing party rescheduling the time period for the communication in accordance with the telephony resources available and level of priority (Penfield: col. 4, lines 16-45; and col. 6, lines 22-45; and Dorenbosch: paragraphs: 0014-0019).

Consider **claim 21, Spencer, Penfield, and Dorenbosch** clearly show the method, wherein said step of determining comprises the step of: comparing the cost of the communication with the credit available to the client (Penfield: col. 1, lines 28-35; col. 6, lines 22-45; and Dorenbosch: paragraphs: 0014-0019)

Consider **claim 22, Spencer, Penfield, and Dorenbosch** clearly shows the method, wherein said step of determining further comprises the step of: requesting additional credit to cover the cost of the communication or denying the service if not enough credit is available (Penfield: col. 4, lines 16-45; and col. 6, lines 22-45).

Response to Arguments

The present Office Action is in response to Applicant's amendment filed on March 22, 2011. Applicant has amended **claims 1, 7, 8, 9, and 11**; claims **1 – 26** are now pending in the present application.

Applicant's arguments with respect to amended claims 1, 8, 9, and 11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues regarding the claim 7 on page 10 of the Applicant's Response that Spencer does not teach controlling the simultaneous communication with a plurality of participants.

The Examiner respectfully disagrees with Applicant's argument, Spencer clearly teaches a personal computer DTV receiver to share resources with other clients, as a speaker in the broadcast instructs the trainees on key element of the training and highlighted concepts and key word appear in the synchronization client window (paragraph 0044). As a result, Spencer teaches the limitation "a directing party independently controlling, in real-time, the simultaneous communication with the plurality of participants." Therefore, Spencer teaches claim 7.

Therefore, in view of the above reasons, Examiner maintains rejections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571-270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 2, 2011